

1 BILL NO. Z-86-67-21

2 ZONING MAP ORDINANCE NO. Z-09-86

3 AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. G-2.

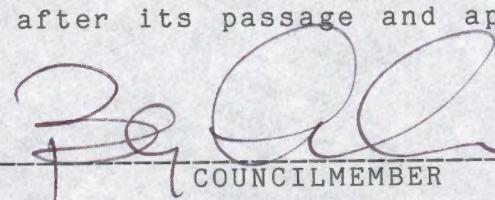
4 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
5 FORT WAYNE, INDIANA:

6 SECTION 1. That the area described as follows is
7 hereby designated an R-3 (Multi-Family Residential) District
8 under the terms of Chapter 33 of the Code of the City of Fort
9 Wayne, Indiana of 1974:

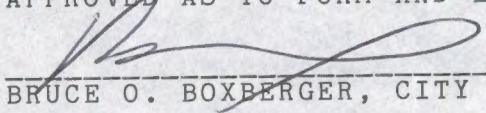
10
11 Part of the Lagro Reserve, Township 30 North, Range 12
12 East of the Second Principal Meridian, more particular-
13 ly described as follows:

14 Commencing at the Southeast corner of Lagro Section
15 (Reserve), Township and Range aforesaid; thence South
16 88 degrees 41 minutes West along the South line of said
17 section 429 feet; thence North 1 degree 16 minutes
18 West, 2640 feet to a stone corner; thence South 86
19 degrees 53 minutes 30 seconds West, 66 feet to the
20 centerline of the Upper Huntington Road; thence South
21 50 degrees 39 minutes 30 seconds West 1967.41 feet for
22 the point of beginning this being the Northwest corner
23 of the tract herein described; thence North 50 degrees
24 39 minutes 30 seconds East 87.41 feet; thence South 40
25 degrees 45 minutes East 385 feet; thence South 50
degrees 19 minutes West, actual, (South 50 degrees 40
minutes West, deed), a distance of 259.0 feet; thence
North 27 degrees 32 minutes West, a distance of 257.5
feet; thence North 00 degrees 11 minutes East, a
distance of 173.27 feet to the point of beginning,
and the symbols of the City of Fort Wayne Zoning Map No.
G-2, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.


COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:


BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Eisbart
seconded by Henry, and duly adopted, read the second time
by title and referred to the Committee Regulation (and the C
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on 12th, the 1986, at 10:00 o'clock A.M.

DATE: 7-22-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eisbart
seconded by Gear, and duly adopted, placed on it
passage. PASSED (LOST) by the following vote:

| | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> | <u>TO-WIT:</u> |
|--------------------|-------------|-------------|------------------|---------------|----------------|
| <u>TOTAL VOTES</u> | <u>8</u> | <u>—</u> | <u>—</u> | <u>1</u> | <u>—</u> |
| <u>BRADBURY</u> | <u>—</u> | <u>—</u> | <u>—</u> | <u>✓</u> | <u>—</u> |
| <u>BURNS</u> | <u>✓</u> | <u>—</u> | <u>—</u> | <u>—</u> | <u>—</u> |
| <u>EISBART</u> | <u>✓</u> | <u>—</u> | <u>—</u> | <u>—</u> | <u>—</u> |
| <u>GiaQUINTA</u> | <u>✓</u> | <u>—</u> | <u>—</u> | <u>—</u> | <u>—</u> |
| <u>HENRY</u> | <u>✓</u> | <u>—</u> | <u>—</u> | <u>—</u> | <u>—</u> |
| <u>REDD</u> | <u>✓</u> | <u>—</u> | <u>—</u> | <u>—</u> | <u>—</u> |
| <u>SCHMIDT</u> | <u>✓</u> | <u>—</u> | <u>—</u> | <u>—</u> | <u>—</u> |
| <u>STIER</u> | <u>✓</u> | <u>—</u> | <u>—</u> | <u>—</u> | <u>—</u> |
| <u>TALARICO</u> | <u>✓</u> | <u>—</u> | <u>—</u> | <u>—</u> | <u>—</u> |

DATE: 8-12-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-0986
on the 12th day of August, 1986

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the 13th day of August, 1986
at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of August
1986, at the hour of 10 o'clock A.M., E.S.T.

Win Moses Jr.
WIN MOSES, JR., MAYOR

Division of Community Development & Planning

| BRIEF TITLE | APPROVAL DEADLINE | REASON |
|----------------------------|-------------------|--------|
| Zoning Ordinance Amendment | | |
| From RA to R3 | | |

| DETAILS | POSITIONS | RECOMMENDATIONS |
|---|--|--|
| Specific Location and/or Address 4321 W Jefferson Bl | Sponsor City Plan Commission | |
| Reason for Project To establish office use. | Area Affected City Wide Other Areas | |
| Discussion (Including relationship to other Council actions) <u>21 July 1986 - Public Hearing</u> David Hout, petitioner and property owner, stated that he was requesting the rezoning so that at some future date he could use the property for an office or for resale for an office use. Edith Kenna questioned Mr. Hout if he was aware that he would require Board of Zoning Appeals approval and that the Board was requiring all properties on W Jefferson Bl to dedicate a 40 foot frontage road, in order to have an office use on the property in question. Mr. Hout stated he was aware of the situation. There was no one present who wished to speak in favor of or in opposition to the proposed rezoning. | Applicants/Proponents Applicant(s) David Hout City Department Other | |
| <u>28 July 1986 - Business Meeting</u> Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried. | Opponents Groups or Individuals Basis of Opposition | |
| | Staff Recommendation <input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against | |
| | Board or Commission Recommendation By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to condition: (See Details column for condition) | |
| | CITY COUNCIL ACTIONS (For Council use only) | <input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass |

DETAILS

Of the eight (8) members present seven voted in favor of approval one (1) did not vote.

POLICY/ PROGRAM IMPACT

| | | |
|--------------------------------------|-----------------------------|------------------------------|
| Policy or Program Change | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
| | | |
| | | |
| | | |
| Operational Impact Assessment | | |
| | | |
| | | |
| | | |

(This space for further discussion)

Project Start **Date** 2 June 1986

Projected Completion or Occupancy **Date** 30 July 1986

Fact Sheet Prepared by **Date** 30 July 1986

Patricia Biancaniello
Reviewed by

Gary Bacter
Reference or Case Number

30 July 1986

Prescribed by State Board

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

No 1089

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND.

6-2 1986

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

\$ 50.00

DOLLARS

100

AUTHORIZED SIGNATURE

recong - 5/31/01 Officer

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We _____

DAVID HOUT

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R A. District to a/an R 3 District the property described as follows:

ADDeN SHEET!

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 4321 W. Jefferson Blvd

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

DAVID HOUT

(Name)

4321 W. Jefferson Blvd

(Address)

David Hout

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

DAVID HOUT

(Name)

4321 W. Jefferson Blvd

(Address & Zip Code)

432-1186

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

CONTINUATION SHEET

SCHEDULE A

Order Number:

Commitment Number:
8511-137

LEGAL DESCRIPTION

Part of Lagro Reserve, Township 30 North, Range 12 East of the Second Principal Meridian, more particularly described as follows:

Commencing at the Southeast corner of Lagro Section (Reserve), Township and Range aforesaid; thence South 88 degrees 41 minutes West along the South line of said section, 429 feet; thence North 1 degree 16 minutes West, 2640 feet to a stone corner; thence South 86 degrees 53 minutes 30 seconds West, 66 feet to the centerline of the Upper Huntington Road; thence South 50 degrees 39 minutes 30 seconds West 1967.41 feet for the point of beginning this being the Northwest corner of the tract herein described; thence North 50 degrees 39 minutes 30 seconds East 87.41 feet; thence South 40 degrees 45 minutes East 385 feet; thence South 50 degrees 19 minutes West, actual, (South 50 degrees 40 minutes West, deed), a distance of 259.0 feet; thence North 27 degrees 32 minutes West, a distance of 257.5 feet; thence North 00 degrees 11 minutes East, a distance of 173.27 feet to the point of beginning.

Page

STEWART TITLE
GUARANTY COMPANY

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 22, 1986 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-07-21; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 21, 1986.

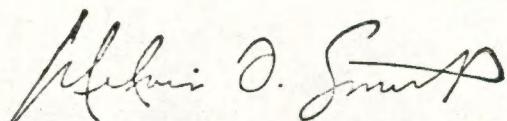
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 28, 1986.

Certified and signed this
30th day of July 1986.

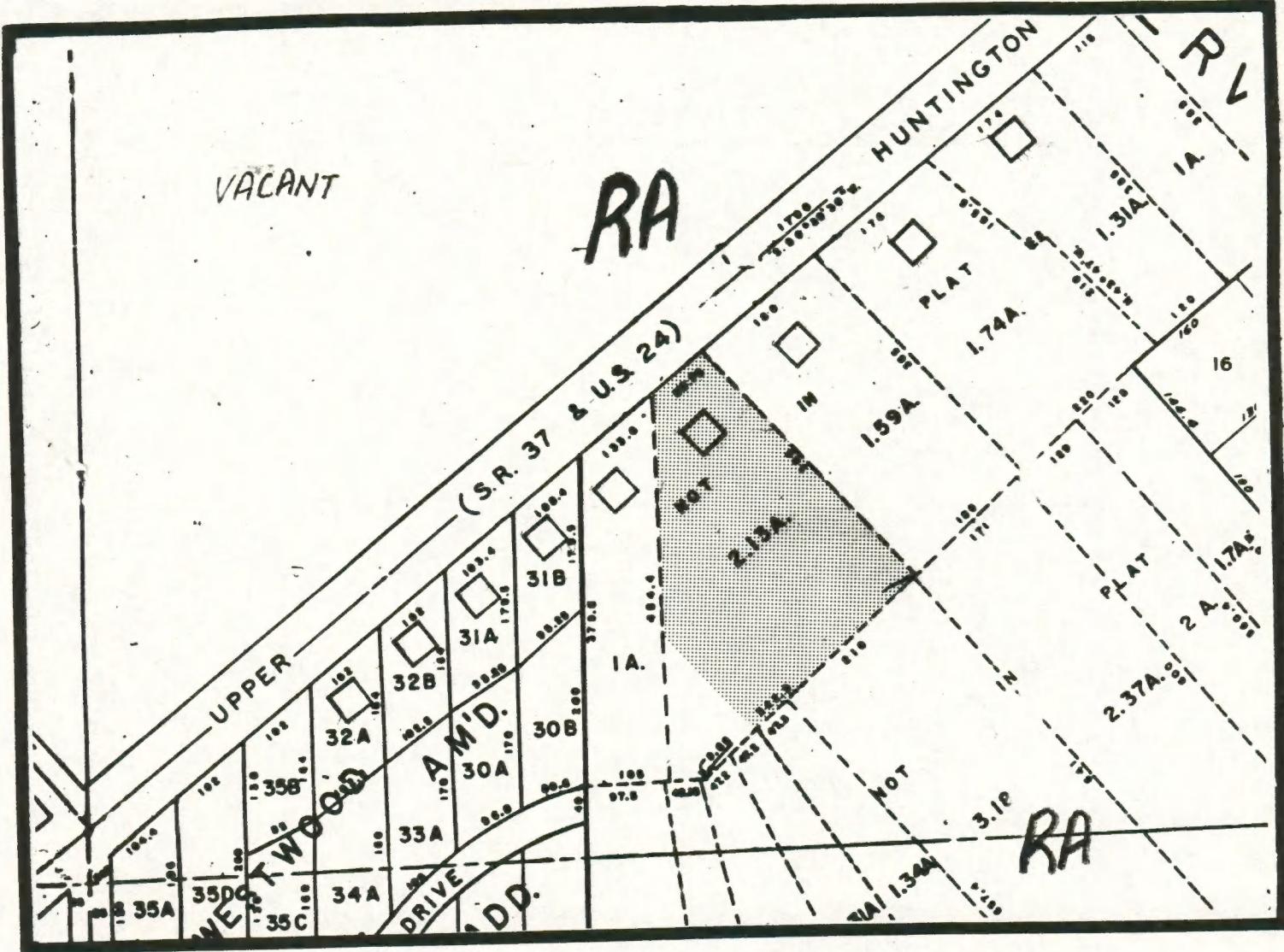


Melvin O. Smith
Secretary

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE
DESCRIBED PROPERTY FROM AN RA DISTRICT TO AN R3 DISTRICT.

MAP NO. G-2

COUNCILMANIC DISTRICT NO. 4



ZONING:

RA RESIDENCE 'A'

LAND USE:

SINGLE FAMILY

SCALE: 1"=200'

DATE: 7-2-86



ORIGINAL

COUNCILMANIC DISTRICT No.

Admn. Appr.

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 4321 W Jefferson Bl

3-86-07-21

EFFECT OF PASSAGE Property is presently zoned RA - Suburban Residential.

Property will become R-3 - Multi-Family Residential.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

BILL NO. Z-86-07-21

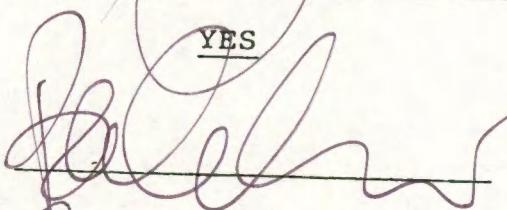
REPORT OF THE COMMITTEE ON REGULATIONS

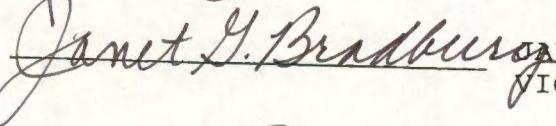
WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort
Wayne Zoning Map No. G-2

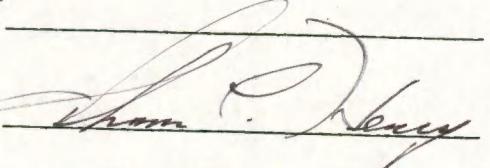
HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~)

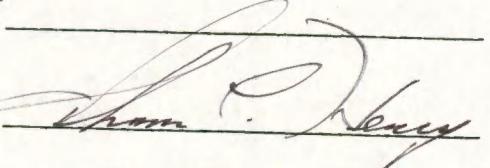
YES

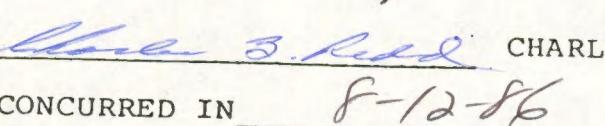
NO


BEN A. EISBART
CHAIRMAN


JANET G. BRADBURY
VICE CHAIRWOMAN


DONALD J. SCHMIDT


THOMAS C. HENRY


CHARLES B. REDD

CONCURRED IN 8-12-86

SANDRA E. KENNEDY
CITY CLERK